

13.11.2013

A7-0274/489

Amendment 489

Danuta Maria Hübner, Lambert van Nistelrooij, Constanze Angela Krehl
on behalf of the Committee on Regional Development

Report

A7-0274/2013

Lambert van Nistelrooij, Constanze Angela Krehl
Common provisions on European Funds
COM(2013)0246 – C7-0107/2013 – 2011/0276(COD)

Proposal for a regulation
Draft legislative resolution
Paragraph 1 a (new)

Draft legislative resolution

Amendment

***1a. Approves the joint statements annexed
to this resolution;***

Or. en

For information, the text of the joint statements is:

**Joint Statement by the European Parliament, the Council and the Commission on the
additional Structural Funds allocation for Cyprus in 2014-2015**

With regard to the additional amounts for 2014 and 2015 referred to in Article 84.1bis CPR, the European Parliament, the Council and the Commission agree that the amounts will be financed through the margins under sub-heading 1B and, as appropriate, through the mobilisation of the flexibility instrument in accordance with Point [12] of the Interinstitutional Agreement on budgetary discipline, on cooperation in budgetary matters and on sound financial management of XX/YY/2013 [OJ reference to be added].

**Joint Statement by the European Parliament, the Council and the Commission on the
revision of Regulation (EU) No 966/2012 of the European Parliament and of the Council
linked with the reconstitution of appropriations**

The European Parliament, the Council and the Commission agree to include in the revision of the Financial Regulation, aligning Regulation (EU) No 966/2012 of the European Parliament and of the Council¹ to the Multiannual Financial Framework 2014-20, provisions necessary for the application of the arrangements for the allocation of the performance reserve and in

¹ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

relation to the implementation of financial instruments under Article 33a (SME initiative) under the Regulation laying down common provisions for the European Structural and Investment Funds concerning the reconstitution of:

- i. appropriations which had been committed to programmes in relation to the performance reserve and which had to be decommitted as a result of priorities under these programmes not having attained their milestones and;
- ii. appropriations which had been committed in relation to dedicated programmes referred to under Article 33a (4) point (b) and which had to be de-committed because the participation of a Member State in the financial instrument had to be discontinued.

Joint Statement by the European Parliament, the Council and the Commission on Article 1

If further justified derogations to the common rules are needed to take into account specificities of the EMFF and of the EAFRD, **the European Parliament, the Council and the European Commission** commit to allow for these derogations by proceeding with due diligence to the necessary modifications to the Regulation laying down common provisions for the European Structural and Investment Funds.

Joint Statement by the European Parliament and the Council on the exclusion of any retroactivity with regard to the application of article 5(3)

The European Parliament and the Council take note of the fact that Member States have the intention to take into account in the preparatory stage of programming as far as possible the principles of the draft Regulation laying down common provisions for the European Structural and Investment Funds as it stands at the time of this declaration, concerning the strategic programming bloc including the spirit and the content of the principle of partnership as laid down in Article 5.

Justification

These statements need to be referred to in the legislative resolution.

13.11.2013

A7-0274/490

Amendment 490

Danuta Maria Hübner, Lambert van Nistelrooij, Constanze Angela Krehl
on behalf of the Committee on Regional Development

Report

A7-0274/2013

Lambert van Nistelrooij, Constanze Angela Krehl
Common provisions on European Funds
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Proposal for a regulation
Draft legislative resolution
Paragraph 1 b (new)

Draft legislative resolution

Amendment

***1b. Takes note of the Council and
Commission statements annexed to this
resolution;***

Or. en

For information, the text of the statements is:

Statement by the Commission on Article 20

1. The Commission considers that the principal purpose of the performance framework is to stimulate effective delivery of programmes to attain the planned results and that the measures in paragraphs 3 and 4 should be applied with due regard for that purpose.
2. Where the Commission has suspended all or part of interim payments for a priority under paragraph 3, the Member State may continue to submit requests for payment in relation to the priority in order to avoid decommitment for the programme under Article 78.
3. The Commission confirms that it will apply the provisions of Article 20 (4) so that there will be no double loss of funds in relation to underachievement of targets linked to under-absorption of funds under a priority. Where part of commitments to a programme have been decommitted as a result of the application of Articles 78 to 80 with a consequent reduction in the amount of support for the priority, or where at the end of the programming period there is underspending of the amount allocated to the priority, the relevant targets set out in the performance framework shall be adjusted pro-rata for the purpose of the application of Article 20 (4).

Statement of the Commission in relation to Presidency compromise text on indicators

The Commission confirms that it will complete its guidance documents on the common

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indicators for ERDF, ESF, Cohesion Fund and European Territorial Cooperation in consultation with the respective evaluation networks comprising national evaluation experts within 3 months of the adoption of the Regulations. These guidance documents will include definitions of each common indicator and methodologies for gathering and reporting data on the common indicators.

Joint Statement by the Council and the Commission on Article 137(6)

The Council and the Commission confirm that for the purpose of Article 137(6) the reference to the term "applicable Union and national law" in relation to the assessment of serious deficiencies in the effective functioning of management and control systems includes interpretations of this law made either by the Court of Justice of the European Union, by the General Court of the European Union or by the Commission (including Commission interpretative notes) applicable at the date when the relevant management declarations, annual control reports and audit opinions were submitted to the Commission.

Statement by the Commission on the amendment of Partnership agreements and operational programmes in the context of Article 21

The Commission considers that, notwithstanding the provisions of Article 21(2a) and (3), it may when necessary make observations on proposals for the amendment of Partnership Agreements and operational programmes submitted by Member States pursuant to Article 21(2a), in particular where these are not consistent with the prior response submitted by those Member States pursuant to Article 21(2), and in any event on the basis of Articles 15 and 26. It considers that the deadline of three months for the adoption of the decision approving the amendments to the Partnership Agreement and the relevant programmes set out in Article 21(3) runs from the submission of the proposals for amendments pursuant to paragraph 2a provided that these take adequately account of any observations made by the Commission. It also considers that the deadline of three months for making a proposal to suspend part or all of payments for the programmes concerned set out in Article 21(5) runs from the date of observations on proposals for the amendment of the Partnership Agreement and operational programmes, when such observations have been made by the Commission.

Statement by the Commission on payment ceilings 2014-2020

The Commission takes note of the reduction of the performance reserve agreed upon in the context of the negotiations on the Regulation laying down common provisions for the European Structural and Investment Funds (ESIF) which, together with the also agreed increase of the annual pre-financing rate, will create additional pressure on payment ceilings during the second half of the multiannual financial framework 2014-2020 period (MFF), that is in 2017-2020. It recalls in this respect its Statement made when endorsing the conclusions of the European Council of February 2013 setting the total amount of payment ceilings at EUR 908,4 billion, listing the conditions to be met for the MFF to comply with Article 323 TFEU (see below). These conditions include the mandatory 7% performance reserve on the ESI Funds, to be released after a performance review is done in 2019.

The Commission will monitor the situation continuously. It will present its evaluation of the situation as part of the mid-term review of the MFF and will submit any appropriate proposals to allow the Union to fulfil its legal obligations in respect of third parties in accordance with

the requirements of Article 323 TFEU.

Justification

These statements need to be referred to in the legislative resolution.